IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE A.GOPAL REDDY**

**WRIT PETITION NO : 17008 of 2004**

Between:

M/s Galada Power & Telecommunications Ltd,
having its Admn. Office at "Galada Towers",
2nd Floor, 1-10-74/C, Ville Bapuji, Begumpet,
Hyderabad - 500 016.

**..... PETITIONER**

AND

1. Employees Provident Fund Commissioner,
   Regional Office, Andhra Pradesh,
   Barkatpura, Hyderabad - 500 027,
   represented by the Regional Provident Fund Commissioner.

2. The Recovery Officer,
   Employees Provident Fund Organisation,
   Regional Office, Andhra Pradesh,
   Barkatpura, Hyderabad - 500 027.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in issuing the Prohibitory Order No. AP/5238/Enf.C.II/T8/04/1021 dated
09-09-2004 as arbitrary, illegal, ultra vires the provisions of the Employees Provident Fund and Misc. Provisions Act, 1952, and violative of the petitioners rights guaranteed under Articles 14, 19(1)(g) of the Constitution of India.

**Counsel for the Petitioner: MR. C.KODANDA RAM**

**Counsel for the Respondents: MR.R.N.REDDY**

**The Court made the following :**

**O R D E R:**

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents. Both the learned counsel expressed no objection to dispose of the writ petition at the stage of admission. Hence, the writ petition is disposed of finally.

Earlier, the petitioner filed W.P.No.4731 of 2004, questioning the sale proclamation order, dated 26-2-2004, and the said Writ Petition was disposed of, permitting the petitioner to pay the due amount in eight instalments. The petitioner has already paid seven instalments and that the last instalment is due to be paid in the month of October, 2004.

While so, for the period from 1-4-2000 to 31-1-2004, the contribution was assessed at Rs.33,55,209/- and a prohibitory order, dated 9-9-2004, was issued calling upon the petitioner to pay the due amount. Questioning the said order, the present writ petition is filed.

The petitioner is not disputing the liability towards the contribution of the Employees' Provident Fund as per the assessment order made by the authorities under Section 7(A) of the Employees Provident Funds and Miscellaneous Provisions Act, 1952. The petitioner-Company further submits that it is a sick industry and proceedings are pending before B.I.F.R., and therefore, sought permission of this Court to pay the said due amount in 12 equal monthly instalments.

Having regard to the above said fact, without going into the merits of the case, the writ petition is disposed of, permitting the petitioner to pay the amount due to the 1st respondent towards employees' provident fund under the impugned order in 12 equal monthly instalments. The

first of such instalment shall be paid on or before 15-10-2004 and the remaining 11 instalments shall be paid on or before 15th of every succeeding month. In default, the respondents are at liberty to proceed against the petitioner for due recovery of the amount. No order as to costs.

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(A.GOPAL REDDY,J)

Dated:22-09-2004
GJ

To

1. The Regional Provident Fund Commissioner,
   Employees Provident Fund Commissioner
   Regional Office, Andhra Pradesh,
   Barkatpura, Hyderabad - 500 027,

2. The Recovery Officer,
   Employees Provident Fund Organisation,
   Regional Office, Andhra Pradesh,
   Barkatpura, Hyderabad - 500 027.

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